

### CONCLUSION

The Commission is at an important crossroads in its efforts to implement regulatory parity for the SMR industry and to ensure vigorous competition among all CMRS providers. The Commission will most effectively stimulate such competition by ensuring geographic-based licensees, contiguous spectrum effected through progressive reconfiguration and sufficient blocks of spectrum.

Respectfully submitted,

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**PROGRESSIVE RECONFIGURATION CHRONOLOGY**

OneComm envisions the following general chronology of events for AMTA's progressive reconfiguration proposal.

**1. Adoption of final rules in the captioned proceeding**

(e.g., final rule adoption on May 1, 1995)

The number of constructed channels in each BEA is determined as of the date of final rule adoption. BEA licensees seeking mandatory reconfiguration at the end of the first year must have reached agreement with incumbent licensees on channels representing 80 percent of the number of constructed channels on the rule adoption date. For example, if final rules are adopted on May 1, 1995, and Hawaii is the BEA in question, the Hawaii BEA licensee must have reached agreement on the number of channels that is 80 percent of the number of channels in Hawaii that are constructed on May 1, 1995. The number of constructed channels would be compiled from existing FCC records, subsequently submitted 800A forms indicating construction by May 1, 1995, and quarterly reports submitted by holders of extended implementation authorizations confirming construction by that date.

## **2. Competitive bidding**

OneComm recommends use of a single simultaneous multiple round auction due to the significant number of BEA licenses<sup>1</sup> and their interdependent value. Incumbents with constructed stations located in the BEA/frequency block auctioned should receive bidding credits. Eligibility to participate in the auction should be subject to general CMRS eligibility and to the CMRS spectrum cap.

## **3. Issuance of BEA licenses, beginning of one-year voluntary reconfiguration period (e.g., BEA licenses issued on October 1, 1995).**

In this example, where BEA licenses are issued on October 1, 1995, incumbents would have until October 1, 1996 to agree to voluntarily reconfigure in order to receive the voluntary reconfiguration benefits.

During the first year, BEA licensees would negotiate to reach agreement on channels representing at least 80 per cent of the number of channels constructed on rule adoption date.

## **4. End of first year after license issuance, end of one-year voluntary period, submission of mandatory reconfiguration showing (e.g., voluntary period terminates October 1, 1996).**

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1 172 BEAs X two blocks per BEA = 344 BEA licenses.

In this example, BEA licensees would be able to submit mandatory reconfiguration showings beginning on October 1, 1996. Such showings would demonstrate agreement on 80 percent of the number of channels constructed as of rule adoption date. Where no opposition is received, the showings would be approved automatically. Where the FCC does not approve the showing, the BEA licensee would be free to re-apply without prejudice.

BEA licensees also would be able to give notice to remaining incumbents beginning on October 1, 1996, in this example. Giving notice begins a six month notice period during which the incumbent could not be reconfigured. For example, where notice is given on October 1, 1996, the earliest that mandatory reconfiguration could begin is six months later or April 1, 1997. Mandatory reconfiguration may commence at the end of the six month notice period and must be completed by one year after the notice period. For example, where the notice period terminates on April 1, 1997, reconfiguration must be completed by April 1, 1998.

The only exception to the above notice and reconfiguration schedule is where FCC approval to reconfigure is not received until after termination of the notice period. In this case, reconfiguration could begin upon the date of FCC approval and must be completed one year later. For example, where the notice period terminates on April 1, 1997, but the FCC does not approve reconfiguration

until May 1, 1997, reconfiguration could begin on May 1, 1997, and must be completed by May 1, 1998.

**5. End of second year after license issuance.** (e.g., October 1, 1997).

At the end of the second year after license issuance, BEA licensees could trigger mandatory reconfiguration upon FCC approval of showings that agreement was reached with licensees regarding 65 per cent of the number of constructed channels. For example, 65 per cent showings could be submitted on October 1, 1997, if the BEA license was issued on October 1, 1995.

If an 80 per cent showing is submitted at the end of the first year, and extended litigation delayed FCC consideration until after the end of the second year, the requisite percentage showing would drop to 65 per cent. For example, where an 80 per cent showing is submitted on the first anniversary of license issuance, i.e., October 1, 1996, and litigation delayed FCC consideration until after October 1, 1997, the required showing would drop from 80 per cent to 65 per cent.

**6. End of third year after license issuance** (e.g., October 1, 1998).

The requisite showing drops to 50 per cent of stations constructed final rule adoption.

**7. End of fourth year after license issuance** (e.g., October 1, 1999).

The BEA licensee may reconfigure all remaining incumbents who have received notice. No FCC approval would be needed to reconfigure. Notice may be provided at any time within the fifth year. For example, where the fourth year ends on October 1, 1999, notice must be provided by October 1, 2000. The notice period would run for six months, and reconfiguration must be completed by one year after end of the notice period. In this example, the latest that reconfiguration could be accomplished would be April 1, 2002. As noted above, the last day to give notice in this example is October 1, 2000, resulting in termination of the notice period six months later, on April 1, 2001. Reconfiguration must then be completed by April 1, 2002.

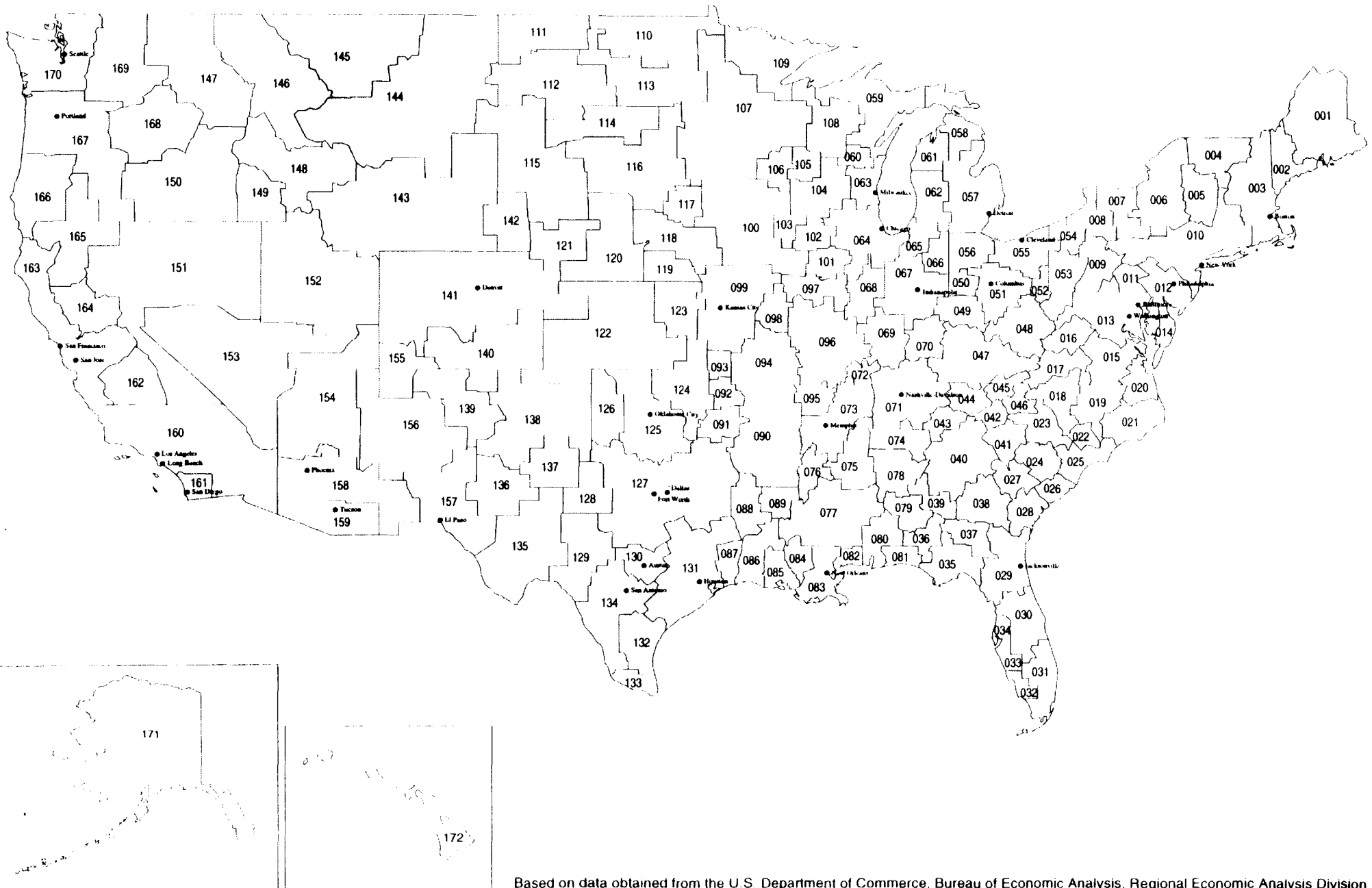
**8. End of the fifth year after license issuance** (e.g., October 1, 2000).

No further reconfiguration notice may be given.

Any remaining white space in the lower band would be auctioned on a BEA basis.

# ECONOMIC AREAS

February 1995



Based on data obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Analysis Division.

## BEA Economic Areas

EA Code	Name
001	Bangor, ME
002	Portland, ME
003	Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH
004	Burlington, VT
005	Albany-Schenectady-Troy, NY
006	Syracuse, NY
007	Rochester, NY
008	Buffalo-Niagara Falls, NY
009	State College, PA
010	New York-No. New Jer.-Long Island,NY-NJ-CT-PA(CMSA-70)
011	Harrisburg-Lebanon-Carlisle, PA
012	Philadelphia-Wilmington-Atl. City, PA-NJ-DE-MD(CMSA-77)
013	Washington-Baltimore, DC-MD-VA-WV (CMSA-97)
014	Salisbury, MD
015	Richmond-Petersburg, VA
016	Staunton, VA
017	Roanoke, VA
018	Greensboro-Winston-Salem-High Point, NC
019	Raleigh-Durham-Chapel Hill, NC
020	Norfolk-Virginia Beach-Newport News, VA-NC
021	Greenville, NC
022	Fayetteville, NC
023	Charlotte-Gastonia-Rock Hill, NC-SC
024	Columbia, SC
025	Wilmington, NC
026	Charleston-North Charleston, SC
027	Augusta-Aiken, GA-SC
028	Savannah, GA
029	Jacksonville, FL
030	Orlando, FL
031	Miami-Fort Lauderdale, FL (CMSA-56)
032	Fort Myers-Cape Coral, FL
033	Sarasota-Bradenton, FL
034	Tampa-St. Petersburg-Clearwater, FL
035	Tallahassee, FL
036	Dothan, AL
037	Albany, GA
038	Macon, GA
039	Columbus, GA-AL
040	Atlanta, GA
041	Greenville-Spartanburg-Anderson, SC
042	Asheville, NC
043	Chattanooga, TN-GA
044	Knoxville, TN
045	Johnson City-Kingsport-Bristol, TN-VA



## BEA Economic Areas

EA Code	Name
046	Hickory-Morganton, NC
047	Lexington, KY
048	Charleston, WV
049	Cincinnati-Hamilton, OH-KY-IN (CMSA-21)
050	Dayton-Springfield, OH
051	Columbus, OH
052	Wheeling, WV-OH
053	Pittsburgh, PA
054	Erie, PA
055	Cleveland-Akron, OH (CMSA-28)
056	Toledo, OH
057	Detroit-Ann Arbor-Flint, MI (CMSA-35)
058	Northern Michigan, MI
059	Green Bay, WI
060	Appleton-Oshkosh-Neenah, WI
061	Traverse City, MI
062	Grand Rapids-Muskegon-Holland, MI
063	Milwaukee-Racine, WI (CMSA-63)
064	Chicago-Gary-Kenosha, IL-IN-WI (CMSA-14)
065	Elkhart-Goshen, IN
066	Fort Wayne, IN
067	Indianapolis, IN
068	Champaign-Urbana, IL
069	Evansville-Henderson, IN-KY
070	Louisville, KY-IN
071	Nashville, TN
072	Paducah, KY
073	Memphis, TN-AR-MS
074	Huntsville, AL
075	Tupelo, MS
076	Greenville, MS
077	Jackson, MS
078	Birmingham, AL
079	Montgomery, AL
080	Mobile, AL
081	Pensacola, FL
082	Biloxi-Gulfport-Pascagoula, MS
083	New Orleans, LA
084	Baton Rouge, LA
085	Lafayette, LA
086	Lake Charles, LA
087	Beaumont-Port Arthur, TX
088	Shreveport-Bossier City, LA
089	Monroe, LA
090	Little Rock-North Little Rock, AR

# BEA Economic Areas

EA Code	Name
091	Fort Smith, AR-OK
092	Fayetteville-Springdale-Rogers, AR
093	Joplin, MO
094	Springfield, MO
095	Jonesboro, AR
096	St. Louis, MO-IL
097	Springfield, IL
098	Columbia, MO
099	Kansas City, MO-KS
100	Des Moines, IA
101	Peoria-Pekin, IL
102	Davenport-Moline-Rock Island, IA-IL
103	Cedar Rapids, IA
104	Madison, WI
105	La Crosse, WI-MN
106	Rochester, MN
107	Minneapolis-St. Paul, MN-WI
108	Wausau, WI
109	Duluth-Superior, MN-WI
110	Grand Forks, ND-MN
111	Minot, ND
112	Bismarck, ND
113	Fargo-Moorhead, ND-MN
114	Aberdeen, SD
115	Rapid City, SD
116	Sioux Falls, SD
117	Sioux City, IA-NE
118	Omaha, NE-IA
119	Lincoln, NE
120	Grand Island, NE
121	North Platte, NE
122	Wichita, KS
123	Topeka, KS
124	Tulsa, OK
125	Oklahoma City, OK
126	Western Oklahoma, OK
127	Dallas-Fort Worth, TX (CMSA-31)
128	Abilene, TX
129	San Angelo, TX
130	Austin-San Marcos, TX
131	Houston-Galveston-Brazoria, TX (CMSA-42)
132	Corpus Christi, TX
133	McAllen-Edinburg-Mission, TX
134	San Antonio, TX
135	Odessa-Midland, TX

## BEA Economic Areas

EA Code	Name
136	Hobbs, NM
137	Lubbock, TX
138	Amarillo, TX
139	Santa Fe, NM
140	Pueblo, CO
141	Denver-Boulder-Greeley, CO (CMSA-34)
142	Scottsbluff, NE
143	Casper, WY
144	Billings, MT
145	Great Falls, MT
146	Missoula, MT
147	Spokane, WA
148	Idaho Falls, ID
149	Twin Falls, ID
150	Boise City, ID
151	Reno, NV
152	Salt Lake City-Ogden, UT
153	Las Vegas, NV-AZ
154	Flagstaff, AZ
155	Farmington, NM
156	Albuquerque, NM
157	El Paso, TX
158	Phoenix-Mesa, AZ
159	Tucson, AZ
160	Los Angeles-Riverside-Orange County, CA (CMSA-49)
161	San Diego, CA
162	Fresno, CA
163	San Francisco-Oakland-San Jose, CA (CMSA-84)
164	Sacramento-Yolo, CA (CMSA-82)
165	Redding, CA
166	Eugene-Springfield, OR
167	Portland-Salem, OR-WA (CMSA-79)
168	Pendleton, OR
169	Richland-Kennewick-Pasco, WA
170	Seattle-Tacoma-Bremerton, WA (CMSA-91)
171	Anchorage, AK
172	Honolulu, HI

## **CERTIFICATE OF SERVICE**

I, Bonnie G. Eissner, do hereby certify that, except as otherwise noted, I have this 1st day of March, 1995, mailed, first class, postage prepaid, copies of the foregoing **REPLY COMMENTS OF ONECOMM CORPORATION** to the following:

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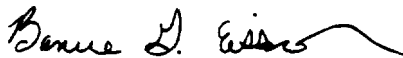
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